

AMENDED

Serial No.

ASSIGNED  
52889

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office..... JAN 26 1989  
Returned to applicant for correction..... FEB 14 1989  
Corrected application filed..... FEB 21 1989 Map filed..... JAN 7, 1974 under 27812

The applicant..... INDUSTRIAL MINERAL VENTURES, INC.  
P.O. BOX 237..... of LATHROP WELLS  
Street and No. or P.O. Box No. City or Town  
NEVADA 89020..... hereby make<sup>s</sup> application for permission to change the  
State and Zip Code No. POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE  
Point of diversion, manner of use, and/or place of use  
of water heretofore appropriated under PERMIT 27813, CERTIFICATE 9309.  
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and  
identify right in Decree.)

1. The source of water is underground.  
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 1.08 cfs, not to exceed 628 acre feet annually.  
Second feet, acre feet. One second foot equals 448.3 gallons per minute.
3. The water to be used for Mining, milling and domestic purposes.  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Irrigation purposes.  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 12, T.17S., R.48E.,  
Describe as being within a 40-acre subdivision of public survey and by course and  
M.D.B.&M. or at a point from which the North  $\frac{1}{4}$  corner of said Section 12 bears  
distance to a section corner. If on unsurveyed land, it should be stated.  
N 45° 00' E a distance of 100 feet.
6. The existing permitted point of diversion is located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 1, T.17S., R.48E.,  
If point of diversion is not changed, do not answer  
M.D.B.&M. at a point from which the W $\frac{1}{4}$  corner of said Section 1 bears N 83°30'  
W a distance of 1,300 feet.
7. Proposed place of use within Section 29, T.17S., R.49E., M.D.B.&M.  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use 125.6 acres within the SW $\frac{1}{4}$  Section 1, T.17S., R.48E.  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.  
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and  
specifications of your diversion or storage works.) Drilled and cased well, submersible pump  
State manner in which water is to be diverted, i.e., diversion structure, ditches,  
and motor, underground pipeline, Parshall flume and storage reservoir.  
pipes and flumes, or drilled well, etc.
12. Estimated cost of works Works are completed.
13. Estimated time required to construct works Complete.

14. Estimated time required to complete the application of water to beneficial use.....Ten years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water will be commingled with other rights held by the applicant. See the  
attached Exhibit "A" for summary of water rights transfer.

/s/ Ross E. de Lipkau

By.....P.O. Box 2790  
Reno, Nv 89505

Compared.....kh/ se.....bp/se.....

Protested.....3/20/89 Owen R. Williams, on behalf of the U.S., National Park Service.  
Overruled 12/28/89, see ruling #3666

APPROVAL OF STATE ENGINEER

This is to certify I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner of use and place of use of the waters of an underground source as heretofore granted under Permit 27813, Certificate 9309 is issued subject to the terms and conditions imposed in said Permit 27813, Certificate 9309 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....1.08.....cubic feet per second, but not to exceed 628 acre feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....February 2, 1992.....

Proof of completion of work shall be filed before.....March 2, 1992.....

Application of water to beneficial use shall be made on or before.....February 2, 1995.....

Proof of the application of water to beneficial use shall be filed on or before.....March 2, 1995.....

Map in support of proof of beneficial use shall be filed on or before.....N/A.....

Completion of work filed.....NOV 7 - 1991.....

IN TESTIMONY WHEREOF, I.....PETER G. MORROS.....  
State Engineer of Nevada, have hereunto set my hand and the seal of my

Proof of beneficial use filed.....

office, this.....2nd.....day of.....February.....

Cultural map filed.....

A.D. 19.....90.....

Certificate No.....Issued.....

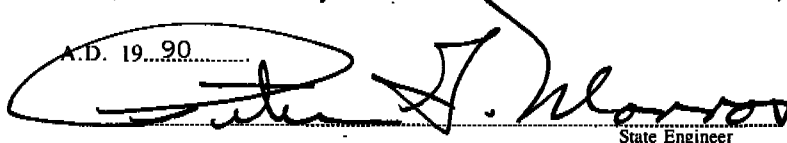
  
State Engineer

EXHIBIT "A"

1. Water changed pursuant to Permit 27813, Certificate 9309.  
125.6 acres x 5.0 acre feet/acre = 628.0 acre feet

2. Water changed pursuant to Permit 14059, Certificate 5156.  
8.6 acres in corners of NW 1/4 SW 1/4 and NE 1/4  
SW 1/4 Section 1, T17S, R48E, MDB&M.

8.6 acres x 2 x 4 acre feet/acre = 68.8 acre feet

Use map on file under 27812, 27813 and 14059.

Total amount to be changed to well pursuant to Permit 27812, Certificate 9927 is 628.0 feet plus 68.8 acre feet, or 696.8 acre feet annually.



(PERMIT TERMS CONTINUED)

subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The total combined duty of water under Permits 52888 and 52889 shall not exceed 696.8 acre feet annually.

This permit is issued pursuant to the State Engineer's Ruling Number 3666 dated December 28, 1989.

